IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL.

Writ Petition No. 1084 (S/S)07

Smt. Revti Sanwal W/o Sri Mukul Chandra Sanwal,
R/o Shivalik Vihar, Phase-I, Canal Road,
Damuwadhunga, Haldwani,
District Nainital. --------Petitioner.

Vs.

1. State of Uttarakhand through its Secretary,
   Education, Uttarakhand, Dehradun,
2. Director of Education, Uttarakhand, Dehradun,
3. District Education Officer, Nainital,
4. Addl. District Education Officer (Basic),
   Nainital. ----------Respondents.

Sri Subhash Upadhyay, learned for the petitioner.
Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondents.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Subhash Upadhyay , learned counsel for the petitioner and Sri N.P. Sah, learned Standing Counsel for the State of Uttarakhand/respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari calling for the records and for quashing the impugned order dated 5th June 2007, so far as it relates to the petitioner (annexure no.3 to the writ petition),

ii. Issue a writ, order or direction in the nature of interim mandamus staying the effect and operation of the impugned order dated 5th June, 2007, so far as it relates to the petitioner (annexure no. 3 to the writ petition),

iii. Issue a writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iv. Award the cost of petition in favour of the petitioner.

Vide order dated 5th June 2007 passed by Addl. District Education Officer (Basic), Nainital, the petitioner who is working in Girls Junior High School, Chhiraganja-Bhimral, District Nainital has been transferred to Junior High School, Basgaon, Ramgarh, District Nainital.

Stand of the petitioner is that on the principal of last come-first go, the petitioner has been treated as surplus staff in the present Institution however, the other Teachers working in the Institution have along stay in the Institution for more than 10 years in the comfortable area. But in my opinion, in absence of any pleadings in rebuttal, nothing can be observed at this stage as to whether the petitioner is being transferred treating her to be a surplus staff or the cause of transfer is otherwise.

In this regard raising all his grievances, the petitioner has already moved a representation dated 25th June 2007 before the Addl. District Education Officer (Basic), Nainital/respondent no. 4 which contains as annexure no. 4 to the writ petition and the same is still pending before him.

During the course of arguments, learned counsel for the petitioner has submitted that the respondent no. 4 may be directed to take decision on the representation of the petitioner dated 25th June 2007 (annexure no. 4 to the writ petition) within the period prescribed by this Court.

The prayer is innocuous.

Accordingly, I direct the Addl. District Education Officer (Basic), Nainital/respondent no. 4 to take decision on the representation of the petitioner dated 25th July 2007 (annexure no.4), within a period of two weeks from the date of production of a certified copy of this order before him.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

August 21, 2007:
NCM: